

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

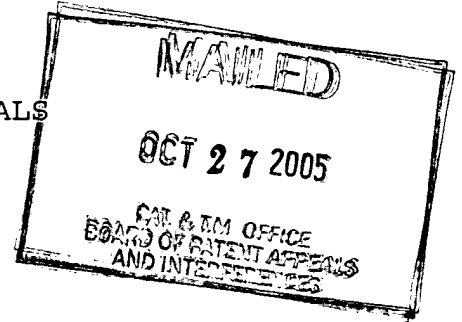
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOM FLANAGAN

Appeal No. 2005-1977
Application 09/540,558

ON BRIEF



Before THOMAS, HAIRSTON, and KRASS, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3 through 5, 7 through 11, 15 and 17 through 25.

The disclosed invention relates to a system and method for proxy browsing the Internet to remotely control an electronic appliance linked online to the Internet. The electronic appliance has a unique Internet Protocol (IP) address, and can

actively receive electronic data transmissions from an Internet server. A proxy browser program on a remote Internet linked computer transmits a command with the IP address of the appliance to the Internet server, and directs the Internet server to transmit a digital file selected by the proxy browser program to the IP address of the appliance. During the transmission of the digital file, the appliance does not communicate with the proxy browser, and the digital file executes on the appliance without verification of the digital file execution by the proxy browser program.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A system for proxy browsing the Internet, comprising:
a first computer linked to the Internet;

a Proxy Browser Internet interface program hosted on said Internet linked computer; and

an electronic appliance linked online to the Internet, wherein said electronic appliance comprises a unique Internet Protocol (IP) address, and said electronic appliance can actively receive electronic data transmissions from the Internet,

Appeal No. 2005-1977
Application No. 09/540,558

wherein said Proxy Browser transmits a command with said electronic appliance IP address through the Internet that directs an Internet server to transmit a remote digital file selected by said Proxy Browser program to said electronic appliance IP address without said electronic appliance communicating with said proxy browser, and said digital file executes on said electronic appliance without verification of said digital file execution by said proxy browser program.

The references relied on by the examiner are:

Cuomo et al. (Cuomo)	5,861,883	Jan. 19, 1999
Mansbery et al. (Mansbery)	6,121,593	Sept. 19, 2000 (filed Aug. 19, 1998)
Gabai et al. (Gabai)	6,368,177	Apr. 9, 2002 (filed Sept. 3, 1999)
Reynolds	6,587,879	July 1, 2003 (filed Nov. 18, 1999)

Claims 5 and 7 stand rejected under the second paragraph of 35 U.S.C. § 112 for indefiniteness.

Claims 1, 3 through 5, 7, 9, 15 and 17 through 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mansbery in view of Reynolds.

Claims 8 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mansbery in view of Reynolds and Cuomo.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mansbery in view of Reynolds, Cuomo and Gabai.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the indefiniteness rejection of claims 5 and 7, and the obviousness rejection of claims 1, 3 through 5, 7, 9, 15 and 17 through 25. On the other hand, we will reverse the obviousness rejection of claims 8, 10 and 11.

The indefiniteness rejection is sustained pro forma because appellant has not presented any arguments in response to the rejection.

Based upon the examiner's findings (answer, pages 4 and 5), Mansbery discloses all of the system structure for proxy browsing the Internet found in claim 1 except for an IP address for the appliance. Mansbery discloses an address for each of the appliances (column 4, lines 55 through 61; column 6, lines 49 through 52; column 8, lines 22 through 26), but never states that the address is an IP address. According to the examiner (answer, page 5), Reynolds provides each of the appliances a unique IP address so that each of the appliances can be remotely tested over the Internet (column 3, lines 16 through 24). The remote testing of the appliances eliminates the need for a service technician to visit the site where the appliances are located to run a service routine. The examiner concludes (answer, page 5) that "[i]t would be obvious to a person of ordinary skill in the

art at the time the invention was made to combine the teaching of Reynolds with Mansbery to allow testing of remote devices having limited processing capabilities, such as consumer appliances and other types of electronic devices, thereby reducing the need of sending a service representative to the appliance to determine if the appliance is malfunctioning as supported by Reynolds (col. 1, lines 15-25, 45-50)." In view of the clear advantage of remote testing over the more costly and inconvenient on-site testing as taught by Reynolds (column 7, lines 26 through 31), we agree with the examiner's reasoning for modifying the teachings of Mansbery with those of Reynolds. The appellant's arguments throughout the briefs that the examiner did not provide a reason for making the modification to the teachings of Mansbery are without merit. The examiner did not have to resort to hindsight to demonstrate the obviousness of providing each of the appliances in Mansbery with a unique IP address to enable remote testing of each of the appliances (brief, pages 14 through 16).

Appellant's argument (brief, pages 18 and 19) that the appliance server 100 in Mansbery is not an Internet server is without merit since nothing in claim 1 on appeal dictates a specific location of the Internet server. We decline the appellant's invitation (brief, page 19) to read the disclosed location of the Web server 40 into claim 1 on appeal. The

features of the disclosed invention that are only found in appellant's specification will not be read into the claims. In re Prater, 415 F.2d 1393, 1405, 162 USPQ 541, 551 (CCPA 1969).

Appellant's argument (brief, page 21) that the appliances 200 in Mansbery exchange communications with the proxy browser is without merit since Mansbery is completely silent as to such a communication.

In view of the foregoing, the obviousness rejection of claim 1 is sustained.

The obviousness rejection of claim 3 is sustained because we agree with the examiner's finding (answer, page 6) that "said Internet server (appliance server 100) verifies said address and verifies a transmission of said remote digital file without interaction of said proxy browser program (the appliance server 100 does not notify the client software/browser that the download has been completed, merely just begins executing the digital recipe file) (Figure 9)." Appellant's argument (brief, pages 23 and 24) to the contrary notwithstanding, nothing in claim 3 on appeal precludes a notification reply to the user, and the proxy browser program, that a command has been received. Stated differently, claim 3 on appeal merely precludes interaction of the proxy browser program during transmission of the command to the IP address of the appliance.

The obviousness rejection of claim 4 is sustained because we agree with the examiner's finding (answer, page 7) that "Reynolds discloses another system for proxy browsing the internet, wherein the embedded server in the electronic appliance is an embedded Internet server (i.e., Embedded HTTP Server 18) (Figure 1)."

Turning next to the obviousness rejection of claims 8 and 10, we disagree with the examiner's findings (answer, page 9) that Cuomo discloses "selecting a digital music file from an Interent [sic, Internet] server and said music file is downloaded and played on a said digital speakers linked to the internet (col. 5, lines 35-47)," and "selecting a digital video file from an Internet server, and said digital video file is played on said digital video player linked to the Internet (col. 1, lines 25-42; col. 5, lines 35-47)." Cuomo is merely directed to a collaboration system in which all participants in a conference on the world-wide web view the same page. For example, "a group of users may concurrently 'pull' content from the Web while the collaboration system 'pushes' information to ensure that the pages seen by the users are consistent" (column 5, lines 51 through 54). Thus, the obviousness rejection of claims 8 and 10 is reversed because the combined teachings of the references

neither teach nor would have suggested to the skilled artisan the music file download of claim 8 and the video file download of claim 10.

The obviousness rejection of claim 11 is reversed because a configuration game file in Gabai is downloaded to the computer 1310, and not to the toy 1300 (Figure 33; column 51, lines 19 through 28).

The obviousness rejection of claims 5, 7, 9, 15 and 17 through 25 is sustained because the appellant has not presented any patentability arguments for these claims.




DECISION

The decision of the examiner rejecting claims 5 and 7 under the second paragraph of 35 U.S.C. § 112 is affirmed, and the decision of the examiner rejecting claims 1, 3 through 5, 7 through 11, 15 and 17 through 25 under 35 U.S.C. § 103(a) is affirmed as to claims 1, 3 through 5, 7, 9, 15 and 17 through 25, and is reversed as to claims 8, 10 and 11.

Appeal No. 2005-1977
Application No. 09/540,558

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136 (a) (1) (iv) .

AFFIRMED-IN-PART


JAMES D. THOMAS)
Administrative Patent Judge)

KENNETH W. HAIRSTON)
Administrative Patent Judge)

ERROL A. KRASS)
Administrative Patent Judge)

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Appeal No. 2005-1977
Application No. 09/540,558

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